

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTOINE SIMMONS,

Plaintiff,

-against-

HEIDE MASON, ET AL.,

Defendants.

17CV8886 (KMK)(LMS)

ORDER OF SERVICE

LISA M. SMITH, United States Magistrate Judge:

Plaintiff, currently incarcerated at the Cape Vincent Correctional Center in Cape Vincent, New York, brings this *pro se* action under 42 U.S.C. § 1983, alleging violations of his civil rights. By order dated December 19, 2017, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*. On April 4, 2019, Plaintiff filed a Second Amended Complaint which names as Defendants Elliot K. Lee and Dr. Audrey Pendleton. Docket # 91. As ordered by the Court, counsel for Defendant Dr. Sheldon Teperman provided last known addresses where these defendants may be served. Docket # 129.

To allow Plaintiff to effect service on Defendants Elliot K. Lee and Dr. Audrey Pendleton through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The service address for each of these defendants is as follows:

Elliot K. Lee
28 2nd Avenue
Nyack, NY 10960

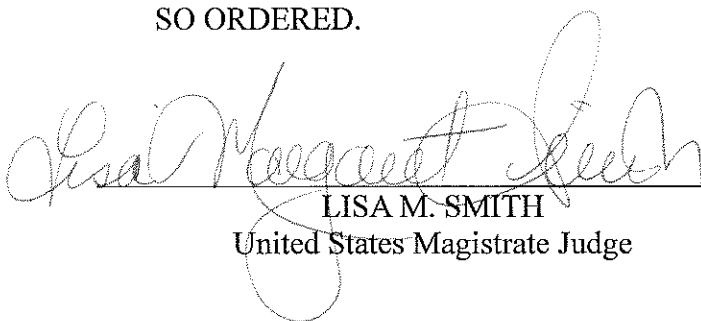
Dr. Audrey Pendleton
37 West 72nd Street, Apt. # 15A
New York, NY 10023

The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon these defendants.

Rule 4(m) of the Federal Rules of Civil Procedure generally requires service of the summons and complaint to be completed within 90 days of the date the summons is issued, and it is Plaintiff's responsibility to request, if necessary, an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012). Plaintiff also must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

SO ORDERED.

Dated: March 2, 2020
White Plains, New York



LISA M. SMITH
United States Magistrate Judge